



## **CITY OF BROOKHAVEN OPEN RECORDS POLICY AND PROCEDURES**

### **PURPOSE:**

To establish a legal, systematic and consistent approach for the fulfillment of Open Records Requests (ORR) requested by the public, media and other interested parties.

### **OBJECTIVES:**

- Abide by Article 1, Section 2- Open Meetings and Records of the Chapter 2, Administration Ordinance of the City of Brookhaven Code of Ordinances:
  - All City records subject to the Georgia Open Records Act, codified at O.C.G.A. 50-18-70 et seq, shall be available to the public. The City Clerk shall comply with any valid requests under the Georgia Open Records Act and prepare any materials requested.
- Abide by Article 1, Section 2-3 Document Retention of Chapter 2, Administration Ordinance of the City of Brookhaven Code of Ordinances:
  - All requests made under the Georgia Open Records Act, O.C.G.A. 50-18-70 et seq, excepting standardized routine requests of the City of Brookhaven Police Department, the City of Municipal Court shall be made to the City Clerk.
- Abide by O.C.G.A. 50-18-71 (b) (2) by designating the City Clerk of the City of Brookhaven as the Open Records Officer. In her absence, the Deputy City Clerk will accept requests for open records.
- Ensure that all formal requests for information under the Public Records Act pursuant to O.C.G.A. § 50-18-70 et seq. are processed in a uniform, consistent manner.
- Ensure that all information is provided as quickly as possible within the required three (3) business days from receipt of the request.
- Ensure that when a request requires more than three (3) business days to compile, the requester is issued an advisory within three (3) business days which will include a description of the records being researched and a timetable for availability.
- Ensure that all documents requested are redacted in a consistent and legal manner.
- Ensure that the requester receives all appropriate documents related to his/her request.
- Ensure commitment to an open and transparent government in order to maintain public trust (Resolution RES2015-06-03 by Brookhaven Mayor and Council)



**DEFINITIONS:**

**Records** – All documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use. (O.C.G.A. § 50-18-70 (b)2)

**Three Business Days** – Days that Brookhaven City Hall is open to the public constitutes a business day, generally Monday through Friday 8:30 am to 5:00 pm. However, holidays or days that City Hall is closed for business do not count as business days. The process begins the first business day following the date an ORR is received. (Example: An ORR is received on Thursday. Friday, Monday and Tuesday constitutes three business days.)

**Fees** – A fee may be charged for research, retrieval, monitoring, redaction and other direct administrative costs involved with the request, after the first 15 minutes of employee time expended. This fee represents the salary of the lowest paid fulltime employee with the necessary skill and training to perform the request. Fees may be charged for the actual cost of reproduction.

Additionally, copies must be furnished, if requested, at a charge of \$0.10 per page.

Costs under \$25	Requestor notified of charge No prepayment required
Costs \$25 - \$499	Requestor notified of charge No prepayment required
Costs \$500 and over	Requestor notified of charge <b>Prepayment required</b>

**Redaction of Information** – Many documents/materials are exempted from release in their entirety and these items may be completely removed from the record. Other documents/materials may contain only specific information which is exempted from release. In these instances, a photocopy of the document will be made and the legally exempted information will be redacted.



## **PROCESS:**

### Formal Requests for Information:

- May be made verbally
- May be made in person
- May be completed by using the form on the city website or in office (Form ORR-1)
- May be faxed or emailed to the City Clerk (Records Officer)

### Receipt of Request:

- All Open Record Requests, with the exception of Police Department requests, will be forwarded to the Records Officer.
- Records Officer will immediately log the request into the Open Records Request Log/Software which is located on the City Clerk drive and/or Open Records Software. An Open Records number will be assigned.
- Records Officer will notify the appropriate Department Director or Designee.
- Department Director or Designee will advise Records Officer of the time necessary to fulfill the request. If unable to fulfill the request within three (3) business days, the Department Director or Designee will provide a timetable and a description of documents being researched, as well as any readily available documents, to the Records Officer within two (2) business days.
- Records Officer will notify the requester within three (3) business days of receipt of request that their request has been received, the date the request will be completed and any fees associated with the request. ORR-2 will be used to determine estimated fees and will be sent to the requester.
  - Should the request require more than three (3) business days to complete, the Records Officer will provide a timetable and description of documents to the requester. The Records Officer may also request clarification (if needed) of the exact records being requested if a search provides an unusually high volume of documents.
  - If a request takes more than three (3) business days to complete and some, but not all, documents are readily available, the available documents must be sent to the requester within the three (3) business days.
- Records Officer, with input from Department Director/Designee and/or City Manager(s) will determine if an Open Records Request should be referred to legal counsel. Triggers for



review by counsel may include, but are not limited to, pending, threatened or potential litigation, personnel matters, medical information, information involving children, high profile crimes, the acquisition or transfer of any type of property, or perceived invasion of privacy. If there is a doubt, legal counsel should be sought.

- *All Open Record Requests sent for legal review must be approved by the City Manager or Assistant City Manager.*

#### Redaction of Documents:

- All private information shall be redacted before documents are released to the requester. These include, but are not limited to: social security numbers, mother's maiden name, credit card and debit card information, bank account number, account number, password information, financial data and information; medical information, insurance information, unlisted (if designated) phone numbers, personal email addresses and cell phone numbers, documents under the attorney/client privilege, employees' phone numbers and addresses.
  - Pursuant to O.C.G.A. 50-18-71 (2) (d) In any instance the City has "decided to withhold all or part of a requested record, the agency shall notify the requester of the specific legal authority exempting the requested record or records from disclosure by Code section, subsection, and paragraph...."
- *Please note that documents containing a "cc" to legal counsel does not automatically imply attorney/client privilege.*

#### City Council ORR Obligations:

- City Councilmembers are also subject to Open Records Requests for any emails or documents that reside on Brookhaven email servers as well as their personal computers.
- City business conducted on personal computers is subject to Open Records Requests. If a City Councilmember sends an email regarding any city business from their personal computer, the email should also be forwarded to the Councilmember's official city email account. This will help minimize the need for a separate search of personal computers for city business emails or documents.
- City Clerk (Records Officer) may request Councilmembers to search their personal computers for email or documents that could potentially fulfill an ORR.
- Every effort must be made to produce all documents responsive to every open records request



City Council's Commitment to Open Government and Transparency Resolution (RES 2015—06-03)

- Legal exceptions to production, such as for privacy and confidentiality, will be narrowly construed so as to protect the public's interest in open records
- In instances in which documents are lawfully redacted, such redactions shall be plain, visible and obvious on the face of the document (s) produced
- In instances in which documents are lawfully withheld from production, the City shall provide the requesting party with a Privilege Log, i.e., a list identifying the withheld documents and the legal basis upon which they are withheld

Completed Request Return to Requester:

- Department Director or Designee will forward all documents fulfilling the Open Records Request to the Records Officer.
- Records Officer will inspect all outgoing documents to ensure that they have been redacted properly and meet the requirements of the request.
- Records Officer will notify requester that documents are ready for delivery and determine from requester his/her preferred method of delivery. An invoice will be issued (ORR-3).
- Records Officer may email, mail, fax, or arrange for pick up, the fulfilled Open Records Request. A copy of all records sent to media organizations will be sent to City Manager, Mayor, and Council.

Open Records Request Completion:

- Records Officer will scan all records beginning with form ORR-1 (as a coversheet) fulfilling the Open Records Request. The scanned package will be placed on the Clerk's Office drive in a folder reflecting the ORR number of the request.
- Records Officer will update the Open Records Log/Software to reflect completion of the request.